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Gregg F. Martin
Brigadier General, U.S. Army
Corps of Engineers, Northwestern Division
P.O. Box 2870
Portland, OR 97208-2870

Dear General Martin:

As a way of introduction, I am the Executive Director of the Power Committee of the MO-ARK River Basins Association and did sign a letter to you under their direction a few days ago. Letter was somewhat in response to your formation of MRRIC and the meeting at EPA's Regional Office in Kansas City, Kansas. Because I was ill, I could not attend your meeting. This letter is not from the Power Committee.

This letter expresses my concern as I see things happening today that are contrary to the many, many good things that I have observed as the efforts and actions of the US COE. I designed my first power plant on the Missouri River starting in 1949 at the Missouri City Bend of the Missouri River. This was my first association with US COE, and it was very good. The Kansas City Office was most helpful, and our goal of quickly reaching good decisions and meeting your requirements was all done with a professional attitude.

I retired in 1999 after serving 52 years with Lutz, Daily & Brain, LLC, and some 30 years as the Senior Partner. We designed power plants from the Great Lakes to South Texas and from Cornell at Ithaca, New York to the University of Nevada at Las Vegas. One of those is the Nearman Power Plant for the Board of Public Utilities in Kansas City, Kansas, located on the south bank of the Missouri River. From August 20 to September 1, 2003, the Nearman Plant experienced some problems with their available supply of cooling water for their condenser, and the river water temperature was 87°F. The temperature rise in the condenser is 18°F, so the discharge with 105°F—their limit. The river stage was the big problem. A few degrees over 105° would probably have been tolerated. All this has been made available from sources like Darrell Dorsey, BPU Manager of Electric Production. These years of experience have given me an education in the best utilization of our natural resources. While many today recognize the controversy over fuel resources, most do not recognize the associated problem with adequate water supply.

For years, the US COE managed and operated the Missouri River in a manner that seemed to place the benefits of our natural resources on a priority list that placed humanity at the top of the list. In my opinion, and in evaluating what I can read and observe personally, that has been changing over the past several years. The idea of a spring rise and a summer low flow absolutely does not place humanity at the top of the priority list. We all thought Judge Paul Magnuson's ruling would help straighten matters out. Apparently, it did not.

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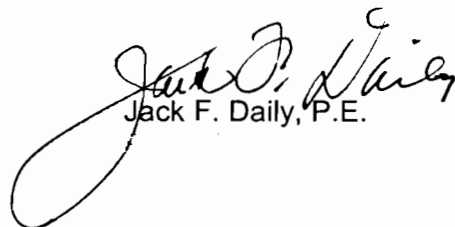
Published data says that there is no scientific basis for the spring rise and summer low flow. It has been identified by its proponents as an experiment! (An experiment to continue for ten (10) years at a cost of millions and millions of dollars.) Add in the risk factor of these events creating problems of a magnitude that the US COE has never experienced. These are problems for all those stakeholders on the Missouri River because of the loss of continuity of service to those depending on these power plants and water utilities for their basic needs of living. There are not enough adequate transmission lines into the Greater Kansas City area to provide for the loss that could occur if the plants in the Kansas City reach of the Missouri River suffer through the change in priority of the benefit of our natural resources.

Some power plants have installed cooling towers to replace, as is necessary, the once-through cooling by using a closed system of Missouri River water. This is being done at a tremendous capital cost to the rate payers plus an additional operating cost for the rest of their lives when the plants have to be operated with cooling towers.

It is obviously certain that we have reached a point in our history where "bowing" to special interest groups needs to be more than just merely reviewed. Many of these persons seem to be sincere in their efforts to force these actions on the majority who do not agree with many of their proposals. The spring rise and summer low flow are in that category in my opinion.

My strong desire is that the US COE be legislated with full authority to manage and control the Missouri River as it did for years without being bothered by persons with personal interests that are not in keeping with the priority of beneficial use of the Missouri River for humanity. Our first priority for use of our natural resources should logically be for humanity.

Very truly yours,



Jack F. Daily, P.E.

cc: Rose Hargrave